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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,387	02/07/2001	Toshiaki Shinohara	1900/00020	3991

7590 08/28/2003

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EXAMINER

DESIR, JEAN WICEL

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 08/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/762,387

Applicant(s)

SHINOHARA ET AL.

Examiner

Jean W. Désir

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2001 (Pre-Amendment).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 3-6,9,10 and 13-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-5,13-17,19-23,25 and 26 is/are allowed.
- 6) ☒ Claim(s) 6,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 18 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 10, 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Eto et al (US 5,701,581).

#### **Claim 10:**

The claimed “A transmission control method in data transmission of compressed image data, comprising the steps of setting a data amount of image data including I frame constituting the compressed image to a value lower than a transmissible data amount, and providing free time up to arrival of the next data group” is disclosed, see Eto at Fig. 18 items 302, 303, Fig. 19, where Eto teaches a transmission control method (Figs. 18, 19) in data transmission of compressed image data (Fig. 18 item 306), that has the steps of setting a data amount of image data (items 304 of Fig. 19 for instance) including I frame constituting the compressed image to a value lower than a transmissible data

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amount (items 305' of Fig. 19 for instance), and providing free time ( the free time between items 304 and 305' for instance) up to arrival of the next data group.

**Claim 6:**

The claimed "A data transmission control system, for use in a case wherein a plurality of devices for transmitting and a plurality of devices for receiving compressed image data are connected with each other over a network, said system being arranged such that when the compressed image data received on the receiving device is switched over, it is requested to send out I frame of compressed image data constituting the compressed image to the device for sending the compressed image data to be received newly, and compressed image data of I frame is transmitted within the shortest time to the receiving device" is disclosed, see Eto at Fig. 18 items 301, 302, 303, col. 22 line 11 to col. 23 line 15, where Eto clearly teaches the claimed limitations.

***Double Patenting***

3. Claims 18, 24/18 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 16, 22/16 respectively. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 is indefinite because claim 9 depends on claim 1 which has been cancelled by the Preliminary Amendment filed on Feb, 7,2001.

***Allowable Subject Matter***

6. Claims 3-5, 13-17, 19-23, 25, 26 are allowed. Because the prior art does not teach or would have rendered obvious a data transmission control system, such as claimed in claims 3-5, 13-17, 19-23, 25, 26, the system comprises: a clock processing unit (103) for generating a current time corrected according to an information of a time received from a system controller (107) via a network (101), a transmitting/receiving processing unit (102) for transmitting and receiving data and control signal with respect to the network, a time designation processing unit (104) for setting a designation time received from the system controller via the network, and a designation time detection processing unit (105) for comparing the preset designation time with the current time, whereby, when the designation time is compared with the current time and these agree with each other, the received data is switched over. The closest prior art, Eto et al (US

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5,701,581) discloses a system for bidirectional data transmission over a network, fails to anticipate or render obvious the present invention as claimed.

### Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jean W. Désir** whose telephone number is **(703) 308-9571**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W. Miller**, can be reached at **(703) 305-4795**.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:


**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

9. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

JWD  
8-20-03

  
MICHAEL H. LEE  
PRIMARY EXAMINER